REGULAR TOWN BOARD MEETING

7:00 P.M.

The Regular Meeting of the Alden Town Board was held in the Town Hall at 3311 Wende Road on Monday, February 2, 2015 at 7:00 P.M. Supervisor Milligan called the Meeting to Order and led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Harry Milligan, Supervisor

Mary Riddoch, Councilwoman

ABSENT: Ralph P. Witt, Councilman

RECORDING SECRETARY: Debra A. Crist, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney

Gary Wagner, Highway Supt.

Chris Snyder, CEO

William Sivecz, Assessor Robert Myers, Planning Board

Planning Board Members, Mike Fleming & Andrew Oles

Mike Metzger, Engineer

Mitch Martin, Senator Gallivan's Office

Residents

Supervisor Milligan Moved and Councilwoman Riddoch seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of January 20, 2015. The Motion was put to a Roll Call Vote on February 2, 2015 and was

CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH AND SECONDED BY SUPERVISOR MILLIGAN TO WIT; VOUCHERS 78-125

ACCOUNT	ABST. #1	ABST. #2	TOTAL
GENERAL FUND "A"	\$19,992.47	\$29,466.42	\$49,458.89
HGHWY FUND "DA/DB"	24,529.74	37,545.56	62,075.30
PART-TOWN FUND "B"	13,954.29	3,041.68	16,995.97
CONSOLIDATED WATER "WR"	5,307.02		5,307.02
SP FIRE PROT. "SF"		114,910.49	114,910.49
SD #1 FUND "SI"		12,081.11	12,081.11
SD#2 FUND "SA"	2,068.74	170.87	2,239.61
TRUST/AGCY FUND "T"	1,455.90	1,196.70	2,652.60
SP REFUSE FUND "SR"	35,281.43		35,281.43
STREET LIGHTING FUND "SL"	5,204.53		5,204.53
PERIWINKLE LTG. "SL1"	31.03		31.03
GRANTS			
TOTALS	\$107,825.15	\$198,412.83	\$306,237.98

UPON ROLL CALL VOTE ON FEBRUARY 2, 2015, THE FOREGOING RESOLUTION WAS **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

BUSINESS FROM THE FLOOR

Wynnie Fisher/Two Rod Rd. questioned the use of metal detectors for the Town Board Meeting and if they were going to continue at future Board Meetings. Supervisor Milligan said that there had been

threats posted and we could not take that lightly. He hopes that it will not have to be used at future Board meetings.

Supervisor Milligan introduced Mitch Martin from Senator Gallivan's Office.

PUBLIC HEARINGS

AT 7:05 P.M. SUPERVISOR MILLIGAN MOVED TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING REGARDING LOCAL LAW #1 OF 2015 ENTITLED "LOCAL LAW AMENDING REAL PROPERTY TAX EXEMPTIONS." COUNCILWOMAN RIDDOCH SECONDED THE MOTION AND THE FOREGOING WAS PUT TO A ROLL CALL VOTE AND CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

SUPERVISOR MILLIGAN GAVE AN OVERVIEW OF THE LOCAL LAW AND ASKED THE TOWN CLERK TO READ THE PUBLIC HEARING NOTICE PRINTED IN THE ALDEN ADVERTISER.

THE TOWN CLERK READ THE NOTICE OF PUBLIC HEARING PRINTED IN THE ALDEN ADVERTISER.

SUPERVISOR MILLIGAN OPENED THE FLOOR FOR PUBLIC COMMENT.

Supervisor Milligan read a letter from Richard A. Goergen, a veteran, in support of the Veterans Tax Exemption.

James Morris questioned veteran's discounts. Assessor William Sivecz provided the information he needed.

AT 7:13 P.M. AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, SUPERVISOR MILLIGAN MOVED TO CLOSE THE PUBLIC HEARING REGARDING LOCAL LAW #1 OF 2015 AND ENTER BACK INTO THE REGULAR MEETING. COUNCILWOMAN RIDDOCH SECONDED THE MOTION. THE FOREGOING MOTION WAS PUT TO A ROLL CALL VOTE ON FEBRUARY 2, 2015 AND CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

AT 7:14 P.M. SUPERVISOR MILLIGAN ASKED FOR A MOTION TO ADJOURN FROM THE REGULAR MEETING AND ENTER INTO THE PUBLIC HEARING REGARDING LOCAL LAW #2 OF 2015 ENTITLED "LOCAL LAW AMENDING ARTICLE X, OF CHAPTER 20 OF THE ALDEN TOWN CODE HOME OCCUPATIONS".

SUPERVISOR MILLIGAN GAVE AN OVERVIEW OF THE LOCAL LAW AND ASKED THE TOWN CLERK TO READ THE PUBLIC HEARING NOTICE PRINTED IN THE ALDEN ADVERTISER.

THE TOWN CLERK READ THE NOTICE OF PUBLIC HEARING PRINTED IN THE ALDEN ADVERTISER.

SUPERVISOR MILLIGAN OPENED THE FLOOR FOR PUBLIC COMMENT.

SUPERVISOR MILLIGAN ADDRESSED THE AUDIENCE AND ASKED THEY SHOW RESPECT AND STATE THEIR NAME BEFORE SPEAKING. SUPERVISOR MILLIGAN STATED THAT THE CODE ENFORCEMENT OFFICER SAID THAT THE PRESENT LAW IS AMBIUOUS AND UNENFORCEABLE. THE TOWN BOARD AND THE PLANNING BOARD INTERPRET THE LAW ONE WAY AND THE CEO ANOTHER.

James Guarino/North Rd. questioned some points of the new law and asked if there is an alternative should someone get turned down. A variance could be applied for.

George Curtis questioned the effect on service people who have for example a plumbing business. They have commercial vehicles with equipment in their driveways. They run their business out of their home. This law does not pertain to them per CEO Snyder.

Don Hanley made a statement regarding the new law. People need to sit down and reasonably discuss the new law. It seems as there is confusion between parties.

Dennis Nichols/Peters Corners Rd. has had his dealer's license for 19 yrs. out of his house. As of Tuesday, he has sold 698 cars since he has had his license; about 10 of them have come to his house. He does not understand the big deal. There have been no complaints from neighbors.

Mark Moore/Broadway made a statement regarding the Town Board and the adoption of Local Laws. The Board will do what they want; they are just dotting their i's and crossing their t's. He feels a lot that takes place is behind the public backs. He feels the people of Alden need to know what is going on with Home Occupation permits. He wanted to know what parts of the law are ambiguous. He is questioning parts of the law. He knows all about town code books.

Mike Madigan asked if it was a choice that this was not an educational meeting or why is that the Board cannot answer questions? Supervisor Milligan said that the Town has been working on this law for over a year. If there are changes to the code you would like address, the Board will think about it. Mr. Madigan thinks there needs to be a separate meeting outside of this room to have a debate with the Board or a question and answer session to educate the public. Supervisor Milligan went over the changes.

James Morris/Sulllivan Rd. questioned why the square footage has been changed. Supervisor Milligan said they went bigger. CEO Snyder said the original code did not mention square footage that was allowed in an accessory structure, which was one of the things added. CEO Snyder said that if you presently have a home occupation in this town, this code will not affect you. You would be grandfathered in.

George Curtis asked if there were any other business that will be affected by this? CEO Snyder stated the way the grandfather law is written, you cannot put them out of business by changing this code. DD's Ranch is protected.

Jim Guarino referred to the law in Section F Section 2 about existing Home Occupation Permits coming into compliance. Attorney Strong said the Building Inspector is taking a different opinion. This will be figured out with the final version of the law.

Mike Madigan said that even with working on this law a year it still sounds as if the Inspector and the Board are still not agreeing on their stance. It sounds like a pretty serious conflict.

Tony Matusek questioned what about the new business that would like to get started? We need Mom & Pop businesses. Supervisor Milligan stated we are trying to make it more business friendly.

Mike Madigan do you agree that DD's Ranch based on this proposal would stay open. Supervisor Milligan – "right".

Mark Moore wanted to know if the Town Board would be willing to work this process through a little more. People are uncomfortable with the law. The law needs to be worked through a little more to make sure it is indeed in the best interest of the public. Supervisor Milligan said the comments will be taken back to the Town Board and Planning Board and relook at this again. There is no definitive date to adopt. Supervisor Milligan said they can do the hearing again. Councilwoman Riddoch invited all to be part of the Work Session and Board meeting to give their input on topics. No one came to any meetings while this law was being worked on.

Mike Fleming, Planning Board wanted to make a statement. The Planning Board is given a set of rules that we have to abide by and are very clear. This is the procedure they follow. He is not against Mr. Adamski, he feels he was misinformed. Any time you have an HOP come up it has to come before the Planning Board, but once you change, and moved to the building outside it needed to be reviewed again by the Planning Board, who reports to the Town Board. This is in the code. There are other violations in the town that need to come with a site plan review to the Planning Board. There is one that never did that and it is against the town law. It has to be reviewed to make sure it is done right.

Brooks Bowman, local business owner has the opinion that any restriction on small businesses needs to be done so in a very careful manner. There is very little affordable housing for business in Alden. He feels a question and answer session would be beneficial. Supervisor Milligan said he had asked Brooks to help him write this law. Brooks did not recollect this. He would gladly help out.

Jeff Rospierski/Sandridge Rd. he respects the Planning Board. DD's Ranch is very neat and clean. He wondered by the Town did not get after the other places in Alden with junk cars. Who regulates this?

The Building Inspector enforces this. Landshapers took a run-down building and cleaned it up. There are many people in the Town that want to better their hometown. Making things difficult, by selectively picking on people is not right. Supervisor Milligan said that if he did not want to make things better, he would not be sitting there right now. He would encourage him to get involved.

Councilwoman Riddoch wanted to make a comment. She would like to say how great it is to see so many people interested in our small Town meetings. Usually a Public Hearing gets fewer than 10 people. This is not all about Dean Adamski shop. It is about everybody's Home Occupation Permits and the quality of life for other residents. If people had some common sense with the laws that had to be created because of a few people, we would all be in a better place. Thank you for coming.

Ken Myers wondered what started the whole thing reviewing the Home Occupation Permit. Supervisor Milligan said that the Town Board and the Building Inspector did not see the same thing. Could this come up for referendum? Attorney Strong said there is no provision under State law.

Discussion regarding Building Inspector's responsibility in reporting to the Town Board as DD's Ranch expanded.

Mike Madigan wanted to know if the Supervisor could say that DD's Ranch will still be in business 5 years from now. Supervisor Milligan stated yes.

AT 8:00 P.M. AFTER ALL THOSE WISHING TO BE HEARD WERE HEARD, SUPERVISOR MILLIGAN MOVED TO CLOSE THE PUBLIC HEARING REGARDING LOCAL LAW #2 OF 2015 AND ENTER BACK INTO THE REGULAR MEETING. COUNCILWOMAN RIDDOCH SECONDED THE MOTION. THE FOREGOING MOTON WAS PUT TO A ROLL CALL VOTE ON FEBRUARY 2, 2015 AND

Ayes 2 Milligan & Riddoch Nays 0

COMMUNICATIONS

Councilwoman Riddoch:

A copy of the certificate of insurance was received from Alden Youth Baseball. She copied it to the Town Attorney.

Supervisor Milligan:

A note was received from the Department of Transportation proposing a bridge maintenance contract to repair nine bridges in Erie & Niagara Counties. There is one on Walden Ave. near the Erie County Home over Ellicott Creek. The project is scheduled for 2016.

There is an Erie County Agribusiness Park Feasibility Study being done on the 140 acre site formally the Erie County Home.

NEW BUSINESS

Councilwoman Riddoch Moved and Supervisor Milligan seconded the Motion to approve Alden Youth Baseball's request to use the R.O. Smith and St. John's fields for their tournament on July 26, 2015. The foregoing Motion was put to a Roll Call Vote on February 2, 2015 and

CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

Supervisor Milligan Moved and Councilwoman Riddoch seconded the Motion to approve the Alden Nutrition Group's request to use the Community Center on every Tuesday, 4:45 P.M. to 5:30 P.M. for the Year 2015. The foregoing Motion was put to a Roll Call Vote on February 2, 2015 and

CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

Councilwoman Riddoch Moved and Supervisor Milligan seconded the Motion to approve the Chamber of Commerce's request to use the Community Center on March 25, 2015, 7:00 P.M. to 9:00 P.M./Farmer's Market. The foregoing Motion was put to a Roll Call Vote on February 2, 2015 and

CARRIED.

Ayes 2 Milligan & Riddoch

1THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH TO WIT;

WHEREAS, the Town Supervisor has advised the Alden Town Board that part time Clerk, Judith Downhower, deserves a pay raise, given her excellent skills and her outstanding performance in her duties;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1 That the hourly pay rate for Judith Downhower is increased to \$16.00 per hour; not to exceed 19 hours per week; and benefits as per the Town of Alden Employee Handbook;
- 2 This resolution shall take effective back to January 1, 2015.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 2, 2015, and **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR MILLIGAN TO WIT;

WHEREAS, the Town Clerk has received numerous requests from Alden Residents to be allowed to pay their property taxes; DEC licensing fees; and town fees via credit card of debit card;

WHEREAS, LexisNexis VitalChek Network, Inc. has offered a Contract to the Town of Alden to provide credit card equipment and credit card processing services, at no charge to the Town of Alden; and

WHEREAS, the Town of Alden believes that it is in the best interests of its residents to enter into the Contract for credit card services.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

- 1. That the Town Board does hereby direct and authorize Supervisor Milligan to enter into and execute all necessary documents to effectuate the Payment Solutions Service Agreement with LexisNexis VitalChek Network, Inc., at no charge to the Town of Alden; and
 - 2. This Resolution shall take effect immediately.

The above Resolution was duly put to a roll call vote at a regular meeting, on February 2, 2015 and **ADOPTED.**

Ayes 2 Milligan & Riddoch

Nays 0

2THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH TO WIT;

WHEREAS, the Alden Town Board needs to clarify, for civil service filing, its January 5, 2015 resolution appointing Barbara Ertel as assessment clerk.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS THAT:

- 1. The Town Board appoints, Barbara Ertel as a part-time temporary seasonal revaluation clerk, at a rate of \$18.78 per hour, no benefits; for a period not to exceed five (5) months; and
- 2. This resolution supplements and clarifies the January 5, 2015 resolution and shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 2, 2015, and **ADOPTED.**

Ayes 2 Milligan & Riddoch

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN RIDDOCH, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR MILLIGAN TO WIT;

WHEREAS, Governor Andrew Cuomo and the New York State Legislature enacted the Property Tax Freeze Credit to provide property tax refunds to homeowners as part of the 2014-2015 State Budget; and

WHEREAS, the new law encourages local governments to generate long-term tax -relief for taxpayers by sharing services, consolidating or merging, and demonstrating and implementing operational efficiencies; and

WHEREAS, in year one of the program, which is 2015 for local governments, homeowners will receive the Freeze Credit if their local government stays within the property tax cap; and

WHEREAS, in year two of the program, which is 2016 for local governments, homeowners will receive the Freeze Credit for property taxes from any taxing jurisdiction in which the homeowner resides that stays within the property tax cap and puts forward a State-approved Government Efficiency Plan demonstrating savings equivalent to one percent of their property tax levies in each of the following three years; and

WHEREAS, while local governments may take a variety of approaches to develop their Government Efficiency Plans, the State has strongly encouraged they convene and facilitate a process to develop and submit county-wide Government Efficiency Plans; and

WHEREAS, as exemplified in the recent establishment of the Buffalo Erie Niagara Land Improvement Corporation in 2012, this community has a history of receiving recognition by the State for demonstrating successful regional collaborations involving many municipalities; and

WHEREAS, Erie County has offered to coordinate the development of such Government Efficiency Plans as the 'lead agency' on behalf of all other interested municipalities; and

WHEREAS, the Town of Alden is interested in intergovernmental cooperation with Erie County and other municipalities in submitting a county-wide Government Efficiency Plan and desires to memorialize its intention to participate in a coordinated Plan to allow its homeowners to receive the Freeze Credit.

NOW, THEREFORE, BE IT RESOLVED that the Town of Alden seeks to ensure that Town homeowners will receive the Freeze Credit as part of this new State law; and

BE IT FURTHER RESOLVED that the Town of Alden did not exceed its designated property tax cap for fiscal year 2015 and memorializes that it has no intention of exceeding the cap for fiscal year 2016, which if exceeded would disqualify the town/village from participation in the Property Tax Cap Freeze Credit Program; and

BE IT FURTHER RESOLVED that the Alden Town Board does hereby express its support for, and participation in an Erie County-wide Government Efficiency Plan; and

BE IT FURTHER RESOLVED that the Town Board urges the New York State Division of the Budget to approve Erie County's coordinated Government Efficiency Plan with local governments with the understanding that Town has played an active role in the identification of preexisting and implementation of new shared services, consolidations or merges, and operational efficiencies within the Town of Alden for inclusion in the county-wide plan; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Erie County Executive; the Commissioner of the Department of Environment and Planning; the County Comptroller; the County Attorney; the Director of the Division of Budget and Management; and the Association of Erie County Governments.

ON THE QUESTION: this is a program put forth with the Governor's 2% tax cap. The County is going to take Lead Agency in blending the Towns and Villages together so we can all save money.

The foregoing Resolution was duly put to a roll call vote at a regular meeting on February 2, 2015 , and **ADOPTED.**

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR MILLIGAN, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN RIDDOCH, TO WIT;

WHEREAS, The Town of Alden Building Inspector on October 27, 2014 made a report to the Alden Town Board that the building located at 11133 Broadway (on the Alaura Street Side) is so dangerous and unsafe as defined by Chapter 7A of the Alden Town Code; the building are so dilapidated, decayed, unsafe and unsanitary, that it utterly fails to provide the amenities essential to decent living so that they are unfit for human habitation;

WHEREAS, The Building Inspector has determined that the building: cannot be reasonable repaired; is dangerous to the health, morals, safety and general welfare; and is more than 50% damaged, decayed and deteriorated from its original structure; and that said building is a public nuisance;

WHEREAS, the Building Inspector has properly notified the owner and the owner's attorney, and all other persons having an interest in said building (none) that the building has been found be to dangerous, unsafe, and a public nuisance and has given notice that the building must be repaired or demolished within thirty (30) days;

WHEREAS, the Building Inspector has posted notice of the Building being dangerous, unsafe, and a public nuisance on the property; and

WHEREAS, the Town Board held a public hearing and heard all concerned citizens at said hearing regarding the dangerous and unsafe building located at 11133 Broadway;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1.That the building located at 11133 Broadway is an immediate danger to life and safety and is in immediate need of demolition;

- 2. That the Town Board hereby declares that the building at 11133 Broadway be demolished after a determination is made as to, given the age of the structure, the presence of asbestos in the building and that the costs of said asbestos survey and subsequent demolition shall be assessed to the owner of record;
- 3. That the Town has obtained three quotes for the cost of an asbestos survey, as follows: Aurora Environmental at \$2,458.00; CEM at \$1,325.00; and the lowest from Envoy at \$1,018.00; making Envoy the lowest responsible bidder;
- 4. The Town authorizes Envoy at a total cost of \$1,018.00, upon filing of proof of insurances with the Alden Town Clerk to conduct an asbestos survey at 11133 Broadway in preparation for the emergency demolition of said building; and
 - 5. This Resolution shall take immediately.

The Adoption of the foregoing resolution was duly put to a roll call vote at a regular meeting on February 2, 2015 and

ADOPTED.

Ayes 2 Milligan & Riddoch

Nays 0

Councilwoman Riddoch Moved and Supervisor Milligan seconded the Motion to approve the renewal of the Home Occupation Permit for Dean Adamski/12120 Westwood Rd./sporting goods sales for a period of one year. The foregoing Motion was put to a Roll Call vote on February 2, 2015 and

CARRIED.

Ayes 2 Milligan & Riddoch

Nays 0

UNFINISHED & TABLED BUSINESS

There was no unfinished & tabled business.

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Attorney Strong:

A letter has been sent to the Erie County Sheriff advising them that tickets received in the Alden Town Park should be written for appearance in the Alden Town Court instead of the Village Court. Attorney Strong is attempting to work with Chris Trapp on the indemnification agreement for the Carnival.

Attorney Strong has contacted the Car Show organizer, if she has not already done so she will be submitting a formal letter requesting to use Town facilities again.

We will be closing on the BAN financing on both water districts on Friday the 13th.

Engineer Metzger:

The waterline valves are scheduled to be delivered today. Materials will be delivered to the site on Thursday, with construction to begin soon after.

The insurance consultant that they were supposed to meet with could not make it as his flight was cancelled due to weather. This will be rescheduled.

Ryan Sheedy OEM:

He would like the reverse 911 put on the Work Session to discuss. Discussion on a Twitter account.

Mark Casell/Winterfest co-chair:

Winterfest had fantastic participation and support from the community thanks to the Town, Village, Firemen, local churches and 100's of people who attended. All went well and they should come out in the black again. The money made at Winterfest goes back to the Community.

Chris Gust, Chamber of Commerce Pres.

Economic Development meeting is at 4:00 P.M. tomorrow. The Chamber meeting will be the third Thursday at the Whistle Stop at 4:00 P.M.

Robert Myers, Planning Board:

They are still waiting for the Site Plan for the Sled Shop operating on Broadway. The Planning Board has asked if the Town Board received any type of certificate of occupancy. CEO Snyder said it is in the packet he gave the Supervisor. There is a meeting a week from tomorrow.

Supervisor Milligan:

A couple of weeks ago he wrote a letter to the State D.O.T. regarding the no right on red sign at Townline and Broadway getting removed. They expect to come out this week to see if it is feasible to have it removed.

NOTICE OF MEETINGS

SPECIAL MEETING (Thursday) February 5, 2015 @10:00 A.M.
NEXT WORK SESSION: February 9, 2015 @7:00 P.M.
NEXT TOWN BOARD MTG.: (Tuesday) February 17, 2015 @7:00 P.M.

MEMORIAL REMEMBRANCE

Supervisor Milligan asked all to stand for a Moment of Silence in Memory of Deborah Harrington and Curtiss O'Neill from Alden Trucks Ltd.

ADJOURNMENT

Supervisor Milligan adjourned the meeting at 8:25 P.M.

Debra A. Crist Town Clerk